

JS 44 (Rev. 12/07, NJ 5/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
Alexis Abbatemarco

(b) County of Residence of First Listed Plaintiff _____

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Samuel A. Dion, Esq. Dion & Goldberger, 1616 Walnut St., Ste.
1100, Philadelphia, PA 19103 (215) 546-6033 samueldion@aol.com

DEFENDANTS

Trump Entertainment Resorts, Inc.

County of Residence of First Listed Defendant Atlantic County

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

- | | | | | | |
|---|--|---|--|--|--|
| <input type="checkbox"/> 110 Insurance | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 362 Personal Injury - Med. Malpractice | <input type="checkbox"/> 610 Agriculture | <input type="checkbox"/> 422 Appeal 28 USC 158 | <input type="checkbox"/> 400 State Reapportionment |
| <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 365 Personal Injury - Product Liability | <input type="checkbox"/> 620 Other Food & Drug | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 410 Antitrust |
| <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | | <input type="checkbox"/> 430 Banks and Banking |
| <input type="checkbox"/> 140 Negotiable Instrument | <input type="checkbox"/> 330 Federal Employers' Liability | PERSONAL PROPERTY | <input type="checkbox"/> 630 Liquor Laws | <input type="checkbox"/> 820 Copyrights | <input type="checkbox"/> 450 Commerce |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 340 Marine | <input type="checkbox"/> 370 Other Fraud | <input type="checkbox"/> 640 R.R. & Truck | <input type="checkbox"/> 830 Patent | <input type="checkbox"/> 460 Deportation |
| <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 371 Truth in Lending | <input type="checkbox"/> 650 Airline Regs. | <input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 350 Motor Vehicle | <input type="checkbox"/> 380 Other Personal Property Damage | <input type="checkbox"/> 660 Occupational Safety/Health | | <input type="checkbox"/> 480 Consumer Credit |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits | <input type="checkbox"/> 355 Motor Vehicle Product Liability | <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 690 Other | <input type="checkbox"/> 861 HIA (1395ff) | <input type="checkbox"/> 490 Cable/Sat TV |
| <input type="checkbox"/> 160 Stockholders' Suits | <input checked="" type="checkbox"/> 360 Other Personal Injury | | <input type="checkbox"/> 710 Fair Labor Standards Act | <input type="checkbox"/> 862 Black Lung (923) | <input type="checkbox"/> 810 Selective Service |
| <input type="checkbox"/> 190 Other Contract | | | <input type="checkbox"/> 720 Labor/Mgmt. Relations | <input type="checkbox"/> 863 DIWC/DIWW (405(g)) | <input type="checkbox"/> 850 Securities/Commodities/Exchange |
| <input type="checkbox"/> 195 Contract Product Liability | | | <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act | <input type="checkbox"/> 864 SSID Title XVI | <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 |
| <input type="checkbox"/> 196 Franchise | | | <input type="checkbox"/> 740 Railway Labor Act | <input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 890 Other Statutory Actions |
| <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 441 Voting | <input type="checkbox"/> 510 Motions to Vacate Sentence | <input type="checkbox"/> 790 Other Labor Litigation | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) | <input type="checkbox"/> 891 Agricultural Acts |
| <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 442 Employment | Habeas Corpus: | <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 892 Economic Stabilization Act |
| <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 443 Housing/Accommodations | <input type="checkbox"/> 530 General | | | <input type="checkbox"/> 893 Environmental Matters |
| <input type="checkbox"/> 240 Torts to Land | <input type="checkbox"/> 444 Welfare | <input type="checkbox"/> 535 Death Penalty | <input type="checkbox"/> 462 Naturalization Application | | <input type="checkbox"/> 894 Energy Allocation Act |
| <input type="checkbox"/> 245 Tort Product Liability | <input type="checkbox"/> 445 Amer. w/Disabilities - Employment | <input type="checkbox"/> 540 Mandamus & Other | <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee | | <input type="checkbox"/> 895 Freedom of Information Act |
| <input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 446 Amer. w/Disabilities - Other | <input type="checkbox"/> 550 Civil Rights | <input type="checkbox"/> 465 Other Immigration Actions | | <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice |
| | <input type="checkbox"/> 440 Other Civil Rights | <input type="checkbox"/> 555 Prison Condition | | | <input type="checkbox"/> 950 Constitutionality of State Statutes |

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC Section 1332

Brief description of cause:

Negligence**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S)**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

Explanation:

DATE

SIGNATURE OF ATTORNEY OF RECORD

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Alexis Abbatemarco

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COMPLAINT AND
JURY TRIAL DEMANDED

vs.

Trump Entertainment Resorts, Inc.

JURISDICTION

1. This action is brought pursuant to 28 U.S.C. §1332 and the amount in controversy exceeds \$75,000.00 and there is complete diversity between the parties as set forth herein below.

VENUE

2. Venue lies in the United States District Court for the District of New Jersey pursuant to 28 U.S.C. §1391.

FACTS

3. The Plaintiff, Alexis Abbatemarco, is an adult individual and at all times relevant hereto resides at 183 Beach 126th Street, Far Rockaway, N.Y. 11694 and at all times relevant hereto was a citizen of the State of New York.

4. Defendant, Trump Entertainment Resorts, Inc. d/b/a Trump Plaza Hotel and Casino, is a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its principal place of business located at 1000 Boardwalk at Virginia Avenue, Atlantic City, N.J.

08401 and which does regular, substantial and continuous business in the State of New Jersey.

Defendant is a citizen of the State of New Jersey.

5. At all times relevant herein averred, Defendant Trump Entertainment Resorts, Inc. d/b/a Trump Plaza Hotel and Casino, operates a casino and hotel at Mississippi Avenue at the Boardwalk, Atlantic, City, New Jersey, including a dining restaurant known as 24 Central.

6. At all time relevant hereto, Defendant Trump Entertainment Resorts, Inc. d/b/a Trump Plaza Hotel and Casino owned, leased, maintained, and/or controlled these premises where the restaurant 24 Central was located, including a chair used by Plaintiff inside the 24 Central restaurant.

7. On or about April 2, 2010, Plaintiff, Alexis Abbatemarco, was seated on a chair inside the 24 Central restaurant located within the Trump Plaza Hotel and Casino, and as she was leaning over to feed her child, the chair broke causing her body to fall forward and causing her to sustain serious injuries more specifically described below.

8. On or about the same time, date and place and for sometime prior thereto, a dangerous and defective condition existed in the premises, to wit: a defective chair that was not properly secure, which was permitted to remain in its dangerous condition, as a result of the negligence of the Defendant. The area had been allowed by the Defendant to remain in its dangerous and defective state without any remedial action, warnings, repairs or improvements made in any other way which would render it safe for use by the plaintiff.

9. At about the same time, date and place above-referenced, and as a result of being injured as a result of the defective chair collapsing underneath her, the plaintiff suffered and sustained

severe personal injuries requiring medical attention and care, including, but not limited to traumatic cervical pain syndrome with radiculopathy, traumatic lumbosacral pain syndrome with herniated nucleus pulposus at L3/4 and L5/S1, right lateral epicondylitis, and headache.

10. The Defendant, Trump Entertainment Resorts, Inc. d/b/a Trump Plaza Hotel and Casino, acting by and through its employees, workmen, servants, and/or agents within the course and scope of their employment, workmanship, servitude and/or agency, was negligent in that, among other things:

- (a) it did fail to make proper observation of the said dangerous and defective condition of the chair under the circumstances;
- (b) it did fail to properly maintain the chair;
- (c) it did fail to post proper warnings of the dangerous and defective condition of the chair;
- (d) it did fail to properly repair the chair;
- (e) it did fail to properly inspect the chair and ascertain that it was dangerous and defective;
- (f) it did fail to take the dangerous and defective chair out of service so that it could not be used by patrons of the Defendants, including the Plaintiff;
- (g) it did fail to warn the Plaintiff that the chair was dangerous and defective and that the chair was in danger of breaking; and
- (h) it did fail to properly train its employees in the inspection and

maintenance of its chairs.

11. As a direct and proximate result of the accident and the Defendant's negligent and careless conduct, plaintiff has suffered severe personal injuries, great pain, agony and inconvenience, all of which may and probably will continue for an indefinite time into the future.

12. As a direct and proximate result of the accident and the Defendant's negligent and careless conduct, plaintiff has incurred economic damages including but not limited to current and future medical expenses;

13. Solely as a direct and proximate result of the accident and the Defendant's negligent and careless conduct, plaintiff has been unable to attend to her recreational activities and hobbies and has suffered a loss of the enjoyment of life, all of which may and probably will continue for an indefinite time into the future.

14. Solely as a direct and proximate result of the accident and Defendant's negligent and careless conduct, plaintiff has sustained a loss of earnings and earning capacity, all of which have been to her great financial detriment and loss and all of which may and probably will continue for an indefinite time into the future.

WHEREFORE, Plaintiff, Alexis Abbatemarco, demands judgment against the Defendant, Trump Entertainment Resorts, Inc. d/b/a Trump Plaza Hotel and Casino , for damages together with interest and costs of suit.

DION&GOLDBERGER, ATTORNEYS AT LAW

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